

1 JAMES F. CLAPP (145814)
jclapp@sdlaw.com
2 JAMES T. HANNINK (131747)
jhannink@sdlaw.com
3 ZACH P. DOSTART (255071)
zdostart@sdlaw.com
4 DOSTART CLAPP & COVENEY, LLP
4370 La Jolla Village Drive, Suite 970
5 San Diego, California 92122-1253
Tel: 858-623-4200
6 Fax: 858-623-4299

7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 ROBERT REED, individually and on
behalf of all others similarly situated,

12 Plaintiffs,

13 vs.

14 1-800 CONTACTS, INC., a Delaware
15 corporation, and DOES 1-50, inclusive,

16 Defendants.

CASE NO. 12-cv-2359 JM BGS

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 26, 2013

Time: 10:00

Ctrm.: 5D

Judge: Hon. Jeffrey T. Miller

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18 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that on August 26, 2013 at 10:00 a.m. in
20 Courtroom 5D of the above-captioned Court, located at 221 W. Broadway, San
21 Diego, California, the Honorable Jeffrey T. Miller presiding, Plaintiff Robert Reed
22 will and hereby does move the Court for an order preliminarily approving the
23 proposed class action settlement agreement entered into by Plaintiff Robert Reed
24 and Defendant 1-800 Contacts, Inc.

25 This motion is made pursuant to Rule 23(e) of the Federal Rules of Civil
26 Procedure and is made on the ground that the proposed settlement agreement merits
27 preliminary approval in view of the extent of discovery conducted in this action, the
28 arm's-length nature of the settlement negotiations, the representation of the putative

1 class by experienced counsel, the terms of the settlement, and other factors relevant
2 to court approval of class action settlement agreements.

3 This motion is based on this Notice, the Memorandum of Points and
4 Authorities filed herewith, the Declaration of James F. Clapp filed herewith, the
5 Notice of Lodgment of Exhibits filed herewith, the court record in this action, and
6 any argument or evidence as the Court may consider at the hearing of this motion.

7 Dated: July 26, 2013

DOSTART CLAPP & COVENEY, LLP

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9 /s/ James T. Hannink

10 JAMES T. HANNINK

11 Attorneys for Plaintiff

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